

**REMARKS**

Claims 1-13 and 20 have been cancelled. Claims 14-19 and 21-22 are currently pending. Claims 14-19, 21 and 22 have been amended. Claims 23 and 24 have been added.

No new matter has been added by way of this amendment.

**Substance of Examiner Interviews conducted August 8, 2006 and May 23, 2007**

Applicants greatly appreciate the thoughtfulness and consideration Examiners Zhou and Brusca extended to their representatives in a phone interview on August 8, 2006 and the thoughtfulness and consideration Examiner Zhou extended to their representatives in a phone interview on May 23, 2007. The helpful discussions are appreciated as well.

Regarding the interview of August 8, 2006, Applicants agree with the summary of the interview as presented on the Continuation Sheet of form PTOL-413, attached to the Office Action mailed November 30, 2006.

Regarding the interview of May 23, 2007, Applicants discussed with the Examiner the rejection of claims 14-22 under 35 U.S.C. § 112, first paragraph, written description, and § 35 U.S.C. 112, second paragraph.

The following amendments and discussion are believed responsive to the outstanding Office action and the issues raised during both interviews. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

**Interview Request**

Applicants respectfully request a telephonic interview after the Examiner has reviewed the instant response and amendment. Applicants request the Examiner call Applicants' representative, as noted below.

## **Amendments to the Specification**

The Examiner states on page 2 of the current Office Action that the amendment to the specification filed November 7, 2006 has not been entered because the amendment does not comply with 37 C.F.R. § 1.121.

Therefore, the last amendments to the specification that *were* entered were those contained in Applicant's Response to Notice of Non-compliant Amendment mailed March 2, 2006 and Amendment in Response to Non-final Office Action, mailed November 18, 2005, as acknowledged by the Examiner on page 2 of the Office Action mailed May 12, 2006.

Thus, the amendments to paragraph [2] included on page 2 of this response are made to the specification as it appears after the November 18, 2005 and May 12, 2006 responses were entered.

## **Amendments to the Claims**

Claims 14-19, 21 and 22 have been amended to clarify the invention and to address the Examiner's concerns regarding written description and indefiniteness. Claims 23 and 24 have been added.

Support for these amendments can be found, for example, in the specification at paragraphs 3, 14, 18, 19, 20, 22, 28, 31, 37, 39, 43, 45, 47, 48, 49, 56, 58, 61-63, Examples 2-4, and Figures 2, 4A, and 4C.

Claim 20 has been cancelled, without prejudice or disclaimer, to expedite prosecution.

## **Objections to the Specification**

The Examiner states that when portions of an application are contained on a compact disc, the paper portion of the specification must identify the compact disc(s) and list the files including name, file size, and creation date on each of the compact discs.

Applicants believe that the amendments to the specification provided on page 3 of this response address the Examiner's concerns.

**Rejection of Claims under 35 U.S.C. § 112, first paragraph, written description**

Claims 14-22 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement.

The Examiner states that the phrase "storing or displaying" that was added to claims 14, 18, 19, and 20 in the response filed with the Office on November 7, 2006, is deemed as new matter.

In addition, regarding claim 20, the Examiner alleges that "the specification fails to set forth an adequate disclosure showing what is meant by all the recited "means" clauses. Although Applicants do not necessarily agree with the Examiner, claim 20 has been cancelled to expedite prosecution.

Applicants believe that the above-mentioned amendments to the claims fully address the Examiner's concerns regarding written description. Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph, written description be withdrawn.

**Rejection of Claims under 35 U.S.C. § 112, second paragraph**

Claims 14-22 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

The Examiner states that in regards to claims 14, 18, 19, and 20, that "it is not clear which one of the multiple new strings is referred to by the phrase 'said new string' ".

In addition, the Examiner alleges that claims 15 and 21 are indefinite because "it is not clear as to how 'all possible PKS genes' can be generated and displayed 'from said database' ".

Also, claim 20 stands rejected as allegedly being indefinite because one skilled in the art could not know what is meant by the “means-plus-function” limitations, and the metes and bounds of the claimed invention are not clear. Although Applicants do not necessarily agree with the Examiner, claim 20 has been cancelled to expedite prosecution.

Applicants believe that the above-mentioned amendments to the claims fully address the Examiner’s concerns regarding indefiniteness. Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph, indefiniteness be withdrawn.

**CONCLUSION**

Applicants wish again to express their gratitude to Examiner Zhou for his thoughtfulness and consideration during the phone interview of May 23, 2007.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and objections to the specification and to pass this application to issue.

As noted above, Applicants have requested a telephone conference with the undersigned representative to expedite prosecution of this application. Therefore, after the Examiner has reviewed the instant response and amendment, please telephone the undersigned at (858) 720-7961.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **300622005500**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 29, 2007

Respectfully submitted,

By /Brenda J. Wallach/

Brenda J. Wallach, Ph.D.  
Registration No.: 45,193  
MORRISON & FOERSTER LLP  
12531 High Bluff Drive, Suite 100  
San Diego, California 92130-2040  
(858) 720-7961